

**REGULAR CITY COUNCIL MEETING  
FRISCO MUNICIPAL COMPLEX  
8750 MCKINNEY ROAD  
COUNCIL CHAMBERS  
FRISCO, TEXAS 75034  
6:30 P.M.**

**July 16, 2002**

**MINUTES**

**1. Call to Order**

Mayor Simpson called the Meeting to order at 6:30 p.m. and announced a quorum was present.

Those present were: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member Allen, Council member West and Council member Lafata.

Staff present was: City Manager George Purefoy, Interim Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, City Attorney Richard Abernathy and City Secretary Nan Parker.

**2. Invocation**

Don Gray, Pastor of Faith Lutheran Church was present to offer the invocation.

**3. Pledge of Allegiance**

Jim Joyner led the audience in the Pledge of Allegiance.

**4. Citizen Input**

Isabel Sems was present to address the council thanking all of the staff, citizens, volunteers, and etc. who made the "Frisco Celebration" as success on the Centennial of Frisco held over the 4<sup>th</sup> of July.

Discussion only, no formal action was taken

**5. Reports**

**a. Departmental Reports**

Department Managers were present to address questions from the council regarding reports. Discussion only, no formal action was taken

## 6. Consent Agenda

The Consent Agenda was considered for approval. Council member Allen moved to pull item A. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0. Council member Allen moved to pull item L. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to approve the Consent Agenda for approval, excluding items A and L. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

### **A. Consider and act upon approval of the minutes of the Regular City Council Meeting held July 2, 2002**

Council member Allen moved to **table** the minutes of the July 2, 2002 meeting for completion. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

- B. Consider and act upon approval of Tax Refunds over \$500.00. (Tax Department)
- C. Consider and act upon payment of Invoice Number 8 in the amount of \$157,119.72 to Site Concrete, Inc. for contract work on Eldorado Parkway from Preston Road to Hillcrest Road. (Engineering)
- D. Consider and act upon approval of Invoices 0014370, 0014373, and 0014374 totaling in the cumulative amount of \$6,873.26 to F&S Partners for Professional Services for the Senior Center. (Parks and Recreation)
- E. Consider and act upon adoption of **Resolution No. 02-07-107R** therein authorizing the City Manager to execute an Agreement for Professional Services by and between the City of Frisco and Lawrence A. Cates & Associates, Inc. for the preparation of roadway and drainage design services for Meadow Lane and Dogwood Street from McKinney Ave. to Main St. (Engineering)
- F. Consider and act upon approval of Change Order 2 for Professional Services to F&S Architects for the Senior Center. The Change Order will result in an addition of \$2,000 to the contract for a total of \$288,019.00. (Parks and Recreation)
- G. Consider and act upon approval of Changer Order 1 for Project Number 0202-014 for Miscellaneous Sanitary Improvements, Control Valve and

Vault and PRV and Vault by adding the rerouting of sanitary sewer lines as outline at Stonebrook Pkwy. in the amount of \$46,000.00 to John Burns Construction. (Engineering)

- H. Consider and act upon approval of Payment Number 12 for Project CV-0356 for Rolater Road, Phase 5 in the amount of \$90,125.22 to Tiseo Paving Company. (Engineering)
- I. Consider and act upon approval of Payment Number 5 for Project CV-0188 for Eldorado Parkway, Extension to 2934 in the amount of \$37,377.10 to Frisco Industrial Partners, Ltd. (Engineering)
- J. Consider and act upon approval of Payment Number 12 for Project CV02-0022 for Frisco Square, Phase 2 in the amount of \$313,708.12 to Mario Sinacola and Sons. (Engineering)
- K. Consider and act upon approval of Payment Number 3 for Project CV02-0022 for Frisco Square, Phase 2 in the amount of \$3,968.25 to QTE Group, Inc. (Engineering)
- L. **Consider and act upon approval of Change Order 1 for Project Number CV02-0033 for Professional Services Contract for Traffic Signal Design Services with Parsons Group, Inc. in the amount of \$3,000.00. (Engineering)**

City Engineer Frank Jaromin and Assistant City Manager Scott Young discussed Change Order No. 1 for Project No. CV02-0033. They informed the council that Denton County had committed to reimburse the City for their share of the costs. Following discussion, Council member Allen moved to approve the Change Order. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

- M. Consider and act upon approval of Payment #9 for Development Improvements for the Sports Complex in the amount of \$2,709,538.54 to HCBeck, Ltd. (City Manager/SY)
- N. Consider and act upon approval of the proposal and adoption of **Resolution No. 02-07-108R** therein authorizing the City Manager to enter into a contract with QTE for geo-technical investigation and report. (Parks and Recreation)
- O. Consider and act upon approval of a Development Agreement by and between the City of Frisco and Hunters Creek, L.L.C. and HRC Ranch, L.P. and adoption of **Resolution No. 02-07-109R** therein authorizing the City Manager to execute the agreement. (City Manager/SY)

- P. Consider and act upon adoption of **Resolution No. 02-07-110R** therein authorizing the City Manager to execute a contract for Professional Services by and between the City of Frisco and Frisco Independent School District for supplying uniformed officers to FISD schools. (Police Department)
- Q. Consider and act upon approval of payment of invoices totaling \$229,694.18 from Hunter Assoc. for Professional Engineering and Technical Services for Frisco Square. (City Manager/SY)
- R. Consider and act upon an adoption of **Resolution No. 02-07-111R** therein authorizing the City Manager to execute an Agreement for Professional Services by and between the City of Frisco and Marlin M. Blake and Associates, Inc. to Appraise Property in Frisco Square for a total not to exceed \$20,600.00. (City Manager/SY).

## **END OF CONSENT AGENDA**

### **7. Legislative Agenda**

The Legislative Agenda was considered for approval. Deputy Mayor Pro-Tem Maso moved to pull Items B. and C. for separate discussion. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve the Legislative Agenda, excluding items B. and C. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

- A. Approval of a revised Site Plan: Frisco High School Parking Lot Addition, a high school on one lot on 45.1± acres at the southeast corner of the Dallas North Tollway and Stonebrook Parkway. Zoned Planned Development-114-Commercial-2 and Planned Development-105-Residential Estate. Neighborhood #23. Applicant(s): Frisco Independent School District (Planning Dept.)
- B. **Adoption of an Ordinance of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, creating Article I, Section 13 (Dormant Developments) (ZA2002-0013). Tabled 6/4/02 & 06/19/02 (Planning Dept.)**

Director of Planning John Lettelleir presented the council with a revised zoning ordinance. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 02-07-79** amending Ordinance No. 00-11-01, creating Article I, Section 13 (Dormant Developments) subject to the deletion of the language in Section 13.01, Page 2, "All completion of the development of the land subject to the approved application as of May

11, 2000, and not otherwise having an expiration date, shall be considered dormant until the date of their expiration". Council member West seconded the motion. Motion carried. Vote: 6-0.

**C. Consider and act upon adoption of an Ordinance of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article II, Section 4 (Definitions) and Article III, Section 1 (Residential Districts). Building Heights (ZA2002-0018). (Planning Dept.)**

Council member Allen moved to **table** action until the August 5, 2002 Council Meeting. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

## **END OF LEGISLATIVE AGENDA**

### **Regular Agenda**

**8. Consider and act upon adoption of an Ordinance calling a Bond Election for September 14, 2002**

Numerous residents registered to speak on the item. Terry Smith, Steve Johnson, Richard Caplan, Erwin Pink, Bob Warren, Mark Pitts, Linda Sutton, Jerry Sanders and Jim Joyner spoke to the council with their supports and concerns regarding various propositions.

Deputy Mayor Pro-Tem Maso moved to recess into Closed Session at 8:00 p.m. as authorized by Article 551.071 for private consultation with City Attorney. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 8:30 p.m. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Council member Allen moved to adopt **Ordinance No. 02-07-80** calling a Bond Election for September 14, 2002 subject to amendment in ordinance to reflect \$18,000,000 for the purpose of constructing and equipping a new city hall. (Proposition No. 4). Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

The proposition regarding Workforce Housing was removed from the ballot due to concern regarding the legality of placement of this type of language on the ballot.

**9. Consider and act upon approval of a Contract by and between the City of Frisco and Collin County, Texas for the September 14, 2002 Bond Election and adopt a Resolution authorizing the City Manager to sign the contract. (City Secretary)**

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-07-112R** therein approving a Contract by and between the City of Frisco and Collin County Elections Administrator for the conduct of the September 14, 2002 Bond Election and authorizing the City Manager to sign the contract. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

**10. Public Hearing/Second Hearing – for citizen input regarding voluntary annexation of 14.2 acres, more or less, situated in the MEP and PRR Co. Survey, Abstract No. 920, Denton County, Texas. The property is more commonly known as Meadowcreek, Phase II. Requested by George B. Gibson/Paragon Tower 720, L.P. (Case A2002-24) (City Secretary)**

Mayor Pro-Tem Reveal opened the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

City Secretary Nan Parker informed the council that the property is located within the city's extraterritorial jurisdiction, contiguous to the existing city limits and eligible for voluntary annexation. The Service Plan was available for public inspection.

There being no one else to address the Council, Council member Allen closed the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

**11. Consider and act upon a request to call a public hearing to amend the Zoning Ordinance and Subdivision Ordinance regarding the approval of plans and plats. (Planning Dept.)**

Director of Planning John Lettelleir informed the council that in the recent revision to the Home Rule Charter, there was language that would allow the council to delegate plat and plan approval to the Planning & Zoning Commission. Following discussion, Mayor Pro-Tem Reveal moved to call for a public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

**12. Public Hearing: Zoning Case Z2001-0019. Applicant(s): Newman Real Estate and Willow Park Development, LLC. Consider and act upon approval of a request to rezone 19.9+ acres on the northeast corner of Parkwood Boulevard and future John Hickman Parkway from Multi-Family-1 to Planned Development-Multi-Family-1. Neighborhood #30. Consider and act to instruct staff to prepare an Ordinance on the above request. Tabled at the 08/21/01, 09/04/01, 11/20/01 and 05/07/02 City Council Meeting. (Planning Dept.)**

Council member Allen opened the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

John McFarlane, developer, was present to request the council table the item until the second meeting in October 2002.

There being no one else to address the Council, Council member Allen closed the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to **table** the item until the second meeting in October 2002 with the understanding that if the applicant has not resolved outstanding issues the item will be denied or the council will request that the application be withdrawn. Council member West seconded the motion. Motion carried. Vote: 6-0.

13. **Consider and act upon approval of a Concept Plan: Willow Pond - Phase II. Applicant(s): Newman Real Estate and Willow Park Development, LLC. 78 Patio Home lots and three open space lots on 19.9+ acres on the northeast corner of Parkwood Boulevard and John Hickman Parkway. Zoned Multi-Family-1. Requested zoning is Planned Development-Multi-Family-1. Neighborhood #30. Tabled at the 08/21/01, 09/04/01, 11/20/01 and 05/07/02 City Council Meeting. (Planning Dept.)**

Following discussion, Mayor Pro-Tem Reveal moved to **table** the item until the second meeting in October 2002 with the understanding that if the applicant has not resolved outstanding issues the item will be denied or the council will request that the application be withdrawn. Council member West seconded the motion. Motion carried. Vote: 6-0.

14. **Public Hearing: Comprehensive Plan Amendment CA02-0002, Consider and act upon approval of a request to amend the Thoroughfare Plan by modifying the alignment of future Legacy Drive between Eldorado Parkway and U.S. Highway 380. Applicant(s): City of Frisco (Planning Dept.)**

Council member Allen opened the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir informed the council that this request was part of an agreement with Bert Fields and the process was started as part of the agreement. In the agreement Mr. Fields is dedicating the right-of-way.

There being no one else to address the Council, Council member Allen closed the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the Comprehensive Plan Amendment (Case CA02-0002). Council member Allen seconded the motion. Motion carried. Vote: 6-0.

15. **Consider and Act on the determination of adequate consideration for conversion of the public streets within the Chase at Stonebriar to private streets. (Planning Dept./City Manager/SY)**

Assistant City Manager Scott Young addressed the council regarding the developer's request to convert the dedicated public streets within the Chase at Stonebriar to private streets. Mr. Young stated that because the streets had been dedicated the city is now required to determine adequate consideration for conversion of the public streets to private streets. Council gave slight consideration to the dedication of public art.

Fred Baldwin, Hillwood Development, was present to address the council requesting their consideration of approval of the request.

The council discussed the concern about the streets being converted to private might influence a gated community. Director of Planning John Lettelleir explained to the council that the Planned Development allowed the gated community by right with private streets.

Following discussion, Council member Allen moved to **table** the item to allow the council to give adequate consideration to the request. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

16. **Public Hearing: Zoning Case Z2002-0015, Consider and act upon approval of a request to rezone 15.4+ acres on the north side of Rolater Road, 700+ feet west of Kings Ridge Road from Multi-Family-2 to Single Family-5. Neighborhood #19. Applicant(s): City of Frisco (Planning Dept.)**

Mayor Pro-Tem Reveal opened the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council member Nichols closed the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request to rezone 15.4 acres, more or less from MF-2 to SF-5 subject to the adoption of the ordinance. Council member West seconded the motion. Motion carried. Vote: 6-0.



17. **Public Hearing: Zoning Case Z2002-0013, Consider and act upon approval of a request to rezone 12.0+ acres on the southwest corner of Hickory Street and Woodstream Drive from Planned Development-Multifamily-2 to Single Family – 4. Neighborhood #20. Tabled 06/11/2002. Applicant(s): City of Frisco (Planning Dept.)**

Council member Allen opened the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council member Allen closed the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen moved to approve the request as submitted. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

18. **Public Hearing: Zoning Case Z2002-0014, Consider and act upon approval of a request to rezone 13.0+ acres on the south side of Rolater Road, 500+ feet east of Hillcrest Road from Planned Development-38-Multi-Family-2 to Two-Family. Neighborhood #25. Applicant(s): City of Frisco (Planning Dept.)**

Council member Allen opened the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council member Allen closed the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen moved to approve the request. Council member West seconded the motion. Motion carried. Vote: 6-0.

19. **Public Hearing: Specific Use Permit SUP2002-0006, Consider and act upon approval of a request for a Specific Use Permit for a Day Care Center on 2.4± acres on the northeast corner of Rolater Road and Kings Ridge Road. Zoned Neighborhood Service. Neighborhood #19. Applicant(s): Beary Best Academy of Frisco (Planning Dept.)**

Mayor Pro-Tem Reveal opened the public hearing. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

Steve Johnston, representing the owner, was present to address the council requesting their approval of the request.

There being no one else to address the Council, Mayor Pro-Tem Reveal closed the public hearing. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member West moved to approve the request subject to:

1. Should the outdoor playground be reduced below the minimum required size or modifications to the site are significant according to the parameters governing Specific Use Permit changes, a new Specific Use Permit will be necessary.
2. The building façade plan will be residential in character similar to the day care center to the north.
3. Adoption of an Ordinance granting the Specific Use Permit.

Council member Allen seconded the motion. Motion carried. Vote: 6-0.

20. **Consider and act upon the adoption of a Resolution denying the TXU Gas Distribution application for rate relief. Tabled July 2, 2002. (City Manager/JG)**

Jason Gray was present to address questions from the council. Steve Matthews, TXU Gas Distribution was present to request the council support the request for TXU's application for rate relief.

Following discussion, Mayor Pro-Tem Reveal moved to **deny** the adoption of the resolution thus denying TXU Gas Distribution application for rate relief. Council member Lafata seconded the motion. Voting Aye: Council member Lafata, Council member West and Mayor Pro-Tem Reveal. Voting against: Council member Allen, Deputy Mayor Pro-Tem Maso and Council member Nichols. Motion failed. Vote: 3-3.

Following discussion, Council member Allen moved to adopt **Resolution No. 02-07-113R** therein **denying** the TXU Gas Distribution application for rate relief. Council member Nichols seconded the motion. Motion carried. Voting For: Council member Allen, Deputy Mayor Pro-Tem Maso and Council member Nichols. Voting Against (the motion): Mayor Pro-Tem Reveal. Council member West and Council member Lafata. Mayor Simpson broke the tie voting for the adoption of Resolution 02-07-113R. Motion carried. Vote: 4-3.

21. **Consider and act upon the adoption of an Ordinance establishing rates for TXU Gas Distribution System. Tabled July 2, 2002. (City Manager/JG)**

Council member Lafata moved to **deny** the adoption of an ordinance establishing rates for TXU Gas Distribution System. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

**22. Governance Agenda**

Discussion only, no formal action was taken.

**23. Reconvene into Regular Session and take any action necessary as a result of the Closed Session**

Mayor Pro-Tem Reveal moved to recess into Closed Session at 11:00 p.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 11:45 p.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

**24. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda**

Discussion only, no formal action was taken

**25. Discussion on Governance Monitoring of present City Council Meeting**

Council member Nichols monitored the council and gave an overall rating of good.

**26. Adjourn**

There being no additional business, Council member Nichols moved to adjourn at 11:50 p.m., Council member Allen seconded the motion. Motion carried. Vote: 6-0.

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E. Michael Simpson, Mayor

ATTEST:

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Nan Parker, City Secretary